

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>HOME OIL COMPANY, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 1:07-CV-184-WKW</b>
<b>vs.</b>	)	
	)	
<b>FLYING J INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF'S VOLUNTARY MOTION TO DISMISS**

Plaintiff Home Oil Company, Inc. ("Home Oil") moves to voluntarily dismiss its Complaint Seeking Preliminary and Permanent Injunctive Relief filed on March 1, 2007 herein. In support of this voluntary motion, Home Oil Company represents that after discussions with Defendant Flying J, Inc. ("Flying J") it is presently satisfied with Flying J's intentions to comply with the Alabama Motor Fuel Marketing Act ("AMFMA") with regard to its pricing of gasoline and diesel fuel at its new Dothan location which is the subject of this action. Flying J denies the allegations of the Complaint and specifically that it has violated the AMFMA.

Plaintiff asks that this matter be dismissed without prejudice with costs taxed as paid. This dismissal and all terms thereof are made with the consent and approval of Flying J, Inc. Its General Counsel, Mr. James Dester, is copied with this filing as shown hereinbelow.

Respectfully submitted,

s/H. Dean Mooty, Jr. \_\_\_\_\_  
H. Dean Mooty, Jr. (MOO018)  
Attorney for Plaintiff, Home Oil Company, Inc.

OF COUNSEL:

MOOTY & ASSOCIATES, P.C.  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon:

James M. Dester, Esq.  
General Counsel  
Flying J, Inc.  
1104 Country Hills Drive  
Ogden, Utah 84403

electronically or by U. S. Mail, first class postage prepaid and properly addressed to him on this the 12<sup>th</sup> day of March, 2007.

s/H. Dean Mooty, Jr.  
Of Counsel